

# REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1 and 4 have been amended. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

## **Claim Objections:**

Claim 4 was objected to because of an antecedent basis issue. The claim was amended to address this issue. Thus, reconsideration and withdrawal of this objection is respectfully requested.

## **Prior Art Rejections:**

Claims 1-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,330,433 to Jager (hereinafter "Jager") in view of U.S. Patent 6,154,503 to Strolle (hereinafter "Strolle"). This rejection is traversed for at least the reasons given below.

Amended independent claim 1 includes a radio communication terminal that includes "a power calculator for calculating received signal power based on a gain and output of said receiver." Independent claim 10 recites an analogous feature. As correctly asserted in the Office Action, "Jager doesn't explicitly disclose amplifying the received signal 'under automatic gain control.'" (page 3, paragraph 3, lines 1-2) The Office utilizes Strolle to teach automatic gain control. However, it is respectfully submitted that the independent claims deal with more than just automatic gain control. Specifically, the independent claims also utilize the gain for calculating received signal power. Strolle does not mention the calculation of signal power. Jager, which the Office relied on to teach signal power calculation, only utilizes the RSSI. Jager utilizes an RSSI filter and a diversity switch controller to calculate the received powers of the antennas and decide which antenna to select. Further, Jager does not discuss the utilization of gain to calculate a received signal power. Rather, Jager teaches that the received signal power of the antenna is not calculated, but rather is based on the RSSI

measured from the antenna. The RSSI values received from the antenna are averaged to obtain an average signal strength for the antenna. (Figure 5a and the corresponding description, column 6, lines 50-65) The Office asserts that the received signal power is interpreted to be an average RSSI value calculated for an antenna. However, Jager does not teach utilizing gain to calculate this average RSSI value. The only mention of gain in Jager is that the antennas both have effective gain, and that the “effective gain of an antenna may be indicated by the RSSI value for the antenna.” (column 3, lines 36-37) However, there is no indication that gain is utilized to calculate the average RSSI value. Although Jager states that an effective gain of an antenna MAY be indicated by an RSSI value, there is no indication that an effective gain indicated by an RSSI value is utilized in any fashion in the teachings of Jager to calculate a power of an antenna. Thus, Jager fails to teach all of the features of the independent claims.

Strolle fails to make up for the deficiencies of Jager as shown above. As stated above, Strolle does not mention the calculation of signal power. Further, there is no teaching or indication in Strolle of a radio communication terminal that includes a “a power calculator for calculating received signal power based on a gain and output of said receiver.” Thus, Strolle fails to teach all of the features of the independent claims. If this rejection is maintained, the Examiner is respectfully requested to point out where these features are found in either Jager or Strolle.

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole. As mentioned above, Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Office has asserted that dependent claims 13-18 would be rejected with the same arguments as those presented to dependent claims 2-9. However, it is respectfully submitted that dependent claims 13-18 do not mirror dependent claims 2-9, and would require different grounds of rejection. Specifically, claim 13 recites a “radio signal receiving method,” “wherein calculation of the average power is performed within a period in which a

predetermined gain is retained in the receiver and after the receiver stabilizes.” Claims 14 and 17 also deal with time relationships regarding when the steps of the radio signal receiving method are carried out. There is no indication or teaching in either Jager or Strolle that these features are present. Specifically, Jager explicitly states the flowchart of events in Fig. 6 and the corresponding description in the specification (column 8, line 50 to column 9, line 32). Average signal strength for each antenna is calculated in Jager if a “PRE-MONITOR period” does not exist. As long as the PRE-MONITOR period exists, antenna selection is not executed in Jager. This is in contrast to dependent claims 13, 14 and 17, which teach explicit time relationships between when various steps of the radio signal receiving method are carried out with relation to one another.

With respect to claim 13, Jager does not teach or suggest the “calculation of the average power is performed within a period in which a predetermined gain is retained in the receiver and after the receiver stabilizes.” In fact, Jager does not teach or suggest retaining a predetermined gain, let alone calculating average power in a period in which predetermined gain is retained in the receiver. The only mention of gain in Jager is that the antennas both have effective gain, and that the “effective gain of an antenna may be indicated by the RSSI value for the antenna.” (column 3, lines 36-37) There is no teaching or suggestion in Jager, or Strolle for that matter, that a predetermined gain would be ‘retained’ at the antenna. Thus, neither Jager nor Strolle teach the features of claim 13.

Claim 14 teaches similar features to claim 13, including the time relationship between the initial calculation of average power and time period in which predetermined gain is retained in the receiver. As mentioned above, there is no teaching or suggestion of retaining a predetermined gain, or the relationship between the period in which such a gain is retained and the calculation of power. Thus, neither Jager nor Strolle teach the features of claim 14.

Claim 17 discusses setting calculated gain in the receiver after calculation of the next average power ends. There is no teaching or suggestion in Jager of setting calculated gain, let alone setting gain after calculating next average power ends. Strolle is utilized to teach automatic gain control, but there is no teaching or suggestion in Strolle of setting calculated gain in the receiver after calculation of the next average power ends. In fact, Strolle does not

discuss calculating average power. Thus, neither Jager nor Strolle teach the features of claim 17.

Dependent claims 15 and 16 recite calculating power of the radio signal a number of times for each of the antennas and adding those calculated powers up. Jager teaches averaging received power signal indicators for each antenna ("the average RSSI for respective antennas may be calculated over a number of values.") (column 6, lines 59-61). However, there is no teaching or suggestion in Jager that the power of a radio signal is calculated. Rather, in Jager, the power of the radio signal is received, and those received values are averaged in a calculation. Thus, Jager fails to teach that the "power of the radio signal is calculated a number of times for each of the antennas" as in claim 15. Further, there is no teaching or suggestion in Jager that these calculated powers are added up. The only calculation done with the signal powers is comparison or averaging. Thus, Jager also fails to teach that "the calculated powers are added up" as in claim 16. Strolle fails to make up for the deficiencies of Jager in this respect, because Strolle does not teach calculating power of the antennas, let alone calculating antenna power multiple times and added up each calculated power.

**Conclusion:**

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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